

UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK

In Re SMERLING LITIGATION

21 Civ. 2552 (JPC)

**[PROPOSED] DEFAULT JUDGMENT**

WHEREAS this action was commenced on March 24, 2021 by the filing of the Summons and Complaint;

WHEREAS a copy of the Summons and Complaint was personally served on Defendant JES Global Capital GP III, LLC on April 20, 2021 by personal service on Defendant JES Global Capital GP III, LLC's registered agent, Corporation Service Company, at 251 Little Falls Drive, Wilmington, DE 19808;

WHEREAS proof of service of Defendant JES Global Capital GP III, LLC was filed with this Court on April 22, 2021; and

WHEREAS Defendant JES Global Capital GP III, LLC has not answered the Complaint and the time for answering the Complaint has expired.

IT IS ACCORDINGLY HEREBY

ORDERED that Plaintiff Silicon Valley Bank is entitled to judgment against Defendant JES Global Capital GP III, LLC in the liquidated amount of \$79,957,322.65, pre-default interest of \$197,168.42 as of and including February 25, 2021, and additional and continuing interest at the rate of \$11,660.44 per day accruing from February 26, 2021 until the entry of default judgment; and it is further

ORDERED that Plaintiff Silicon Valley Bank is entitled to post-judgment interest which shall accrue from the date of entry of default judgment at the rate of the weekly average one-year constant maturity Treasury yield for the calendar week preceding the date of entry of default judgment pursuant to 28 U.S.C. § 1961(a).

Dated: January 6, 2022, 2021  
New York, New York

  
The Honorable John P. Cronan  
United States District Judge